NO. 83-302

IN THE

Supreme Court of the United States

OCTOBER TERM, 1982

SARANELLE AVEDISIAN,

APPELLANT

vs.

ALBERT E. MAY, ET AL,

APPELLEES

ON APPEAL FROM
THE UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

JURISDICTIONAL STATEMENT

SARANELLE AVEDISIAN, pro se
14613 Melinda Lane
Rockville, Maryland 20853
460-5573

QUESTIONS PRESENTED

Did the appeals court err and deny due process and equal protection guaranteed by the Fifth and Fourteenth Amendments when it acted in the following way:

A. failed to correct or annul as is its duty the premature order(s) entered by the District Court against mandatory United States Code Annotated Federal Rules of Civil Procedure Rule 12 thereby

1. prejudicing appellant by disposing of property without trial or hearing;

2. suppressing evidence provided by answers from appellees tending to prove her allegations;

3. protecting wrongdoers from a just prosecution?

B. failed to consider appellees' answers when, the second time they were provided with the opportunity by informal

brief, one answered that the District Court's judgment was not wrong though it foreclosed his right to defend, and the other defaulted?

C. considered secretly submitted facts by the appellees or their agents

1. that are prohibited by federal statutes when attempting to (a) bribe or interfere with the duties of a federal officer, (b) obstruct justice, (c) defraud the United States?

2. that were available to the lower court (a generation old) and for which appellant moved to produce, that are not within its proper jurisdiction as a corrective court rather than one of original jurisdiction thereby making the judgment voidable?

D. failed to allow appellant to identify an indispensable party there-

by providing unequal protection and possible exemption from Supreme Court Rule 8 effects?

E. failed to apply analogous decisional law of the Supreme Court which is mandatory upon it?

F. failed to allow the appellant to prosecute her meritorious case thereby further prejudicing her and her innocent children?

LIST OF PARTIES

Appellant:	Saranelle Avedisian
Appellees:	Albert E. May
	Carl S. Walker
	Any Other Persons Not Now Known By Name

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JURISDICTIONAL STATEMENT

OPINIONS AND JUDGMENTS BELOW

Judgment of the United States Court of Appeals for the Fourth Circuit affirming the Order of the U. S. District Court for the District of Maryland. Entered April 13, 1983. Attached as Appendix A.

JURISDICTION

(i) The appeal is taken from the denial of a petition for rehearing by the Fourth Circuit on May 25, 1983. The statutory basis for federal jurisdiction is 28 U. S. C. A. 1331(a), 42 U. S. C. A. §§ 1983, and 1985 (2, 3).

(ii) Date of Judgment: April 13, 1983. Date of Order denying Petition for Rehearing: May 25, 1983.

Notice of Appeal: July 19, 1983 Notice of Amended Appeals: July 22, 1983 and August 3, 1983. Timely filed in the United States Court of Appeals for the

Fourth Circuit.

The statutory provision believed to confer on this Court the jurisdiction to review this appeal is:

28 U. S. C. A. § 2101(c); and

28 U. S. C. A. § 2106.

CONSTITUTIONAL PROVISIONS, TREATIES, STATUTES, ORDINANCES, AND REGULATIONS

U. S. Constitution, Amendment V:

> ...nor shall be compelled in any criminal case to be a witness against himself nor be deprived of life, liberty, or property, without due process of law;...

U. S. Constitution, Amendment VII:

> In suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved,....

U. S. Constitution, Amendment XIV:

Section 1, Sentence 2:

> No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to

any person within its jurisdiction the equal protection of the laws.

UNITED STATES CODE - TITLE 42 § 1983

> Any person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person under the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

TITLE 42 § 1985 (2, 3) - Obstructing justice; intimidating party, witness, or juror

> (2) If two or more persons in any State or Territory conspire to deter, by force intimidation, or threat, any party or witness in any court of the United States from attending such court, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or of his being or having been such juror;

or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;

Depriving persons of rights or privileges

(3) If two or more persons in any State or Territory conspire or go in disguise on the highway or on the premises of another, for the purpose of depriving, either directly or indirectly any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the laws; or for the purpose of preventing or hindering the constituted authorities of any State or Territory from giving or securing to all persons within such State or Territory

the equal protection of the laws; or if two or more persons conspire to prevent by force, intimidation, or threat, any citizen who is lawfully entitled to vote, from giving his support or advocacy in a legal manner, toward or in favor of the election of any lawfully qualified person as an elector for President or Vice President, or as a Member of Congress of the United

States; or to injure any citizen in person or property on account of such support or advocacy; in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or property, or deprived of having and exercising any right or privilege of a citizen of the United States, the party so injured or deprived may have an action for the recovery of damages, occasioned by such injury or deprivation, against any one or more of the conspirators.

STATEMENT OF THE CASE

This case arises from the U. S. Court of Appeals for the Fourth Circuit's alleged errors in (1) affirmation of void judgments (2 appeals) as entered prematurely; (2) approval of irregular proceedings; (3) defiance of mandatory law when presented; and (4) from having assumed original jurisdiction of illegally obtained 25-year-old material

presented by appellees or their agents.

The original complaint was filed in the U. S. District Court for Maryland and was dismissed in 12 days on 3-29-82. See chart on page A-23. It sought damages, costs, jury trial and injunction to redress violation of rights under 42 U.S. Code Annotated § 1985(3). The appellant alleged that the appellees conspired with unknown others circa 1956 to invade her privacy for the purpose of publicizing and recording their activities which are normally considered to be private. The apparent main objective presumably was action photography as proof of such activities. They accomplished the deed with appellee Walker as their cooperating prospect.

Only in the last month has appellant learned their project was more public than she knew. What she learned in July was the project apparently was based on a

vicious lie that has ruined three generations of women.

In dismissing the complaint, the district court held that appellant's allegations were insufficient to state a claim under 42 U.S.C.A. § 1985(3) or any other federal statute; that race or class-based discrimination must be alleged, citing Griffin v. Breckenridge, 403 U. S. 88, 102 (1971) as authority. (p. 2¢)

Prior to dismissal, appellant attempted to amend 3-21-82 with additional facts, and averred incompetence. This motion to amend, submitted 4 days after the original was separately denied 4-8-82 because it had "not been submitted to the undersigned Judge until after the complaint was dismissed."

On 4-15-82, appellant submitted the following papers: A motion to vacate judgment, reinstate action, compel answers to complaint and interrogatories and enter

summary judgment for plaintiff on the basis thereof..., with memorandum of authorities and exhibits, of which one was her sworn statement denying the slander of illegal sex made 10-1-82 in her case against 2 police employees (#83-1803, 5-4-83, this Court, incorporated by reference so as to provide this Court with opinions in companion cases so as to preserve the page limit herein), another motion to amend adding 42 U.S.C.A. § 1983 and (2) of § 1985 for deprivation of rights, privileges, immunities, secured by the Constitution and laws as grounds, and averred that answers would give evidence on which to base an opinion consistent with justice to the wronged appellant; a motion to produce documents and things (photos, list of employees); and interrogatories to the two named appellees (Excerpted, Exh. 7-8, 30-1)

Appellant's alternative, to treat the motion to vacate, etc., as a notice of

appeal was elected and the appeals court set it for informal briefing. The appellant objected to the entire treatment of her complaint in the lower court. Only the non-lawyer appellee responded. Appellant then moved for judgment by default against the other named appellee, 7-6-82. The brief was denied 2 months and 1 day (detailed timing; See infra p. 22) later, as without merit on the reasoning of the lower court. A footnote stated "It necessarily follows that appellant's motion for judgment by default and final judgment is denied."

In a petition for rehearing, 9-21-82 denied 10-6-82, (infra, 12), appellant filed on grounds of error in overlooking material fact (confession) and law, briefly (1) reversal indicated when cause not at issue; exclusion of evidence, Constitutional property right, denial of due process resulting in miscarriage of justice;

(2) answering appellee Walker waived prematurity, disclaiming error; facts from a sole source are competent when statutorial opportunity to defend and refute is declined; unchallenged facts create legal obligation; (3) premature judgment before ripe for final judgment is improper, irregular, and erroneous since proceedings are incomplete, correctable by taking proof; (4) court not to substitute its will for Congress. Lower court judgment was wrong in law and against fact.

Appellant averred normal life denied by organized design was validated and aggravated by court's refusal to act in accordance with mandatory law. At the same time, a motion to identify a party "was denied" by letter from a deputy clerk, 9-28-82 (Exh. 5, A-28).

Instead of seeking plenary consideration in this Court, appellant filed a motion to reopen the case due to newly dis-

covered evidence November 10, 1982. The new evidence described the purposeful appearances of various members of appellees' families and others: allegedly 6 sons, 3 wives, a mother, a daughter, probable grandchildren. In July, 1982, the appellee Walker sat in for a female employee in an office where appellant has papers notarized in Rockville.

The motion to reopen, etc., filed under F. R. C. P. 60(b)(2) and her motion to identify a party were denied in the lower court. She had averred the evidence met the equitable principles and extraordinary circumstances that justify reopening: (1) it was material; (2) could not have been discovered by due diligence; (3) it would probably change the outcome, citing precedent. She alleged the evidence was probably intended to be proof to save time and money involved in trial, and it could be verified.

In several successive motions to vacate in the district court, appellant continued variously to point to prematurity, foreclosure of evidence, abuse of discretion, ignoring federal and local rules. Appellant attempted to restate her claim as violations of right to privacy, equal protection and immunities from having been irregularly summoned under color of law for jury duty without due process. She asserted property disposal without due process.

She again presented new evidence: identity of an appeals' panel member from a press photograph who resembled a visitor to a clerk's office in Annapolis 9-27-82, probably a relative-agent. Nine days later, the panel denied appellant's petition for rehearing as having "no merit." Appellant also reported that hypnosis continued, probably at Richmond 1-83, probably on lie detector and

and videotape. Appellant understands representatives of appelles and courts were present, along with family members and other-case defendants. She asserted unreasonable delay, no answers, court interference, presumption of prejudice.

Everything denied again, appellant took her second appeal. The same process ensued until May 25, 1983, necessitating this appeal. In the second series, she made the same points with a few citations added regarding illegal presentation of "other materials," as per questions.

July 3, 1983, appellant submitted a motion for alternative actions to the appeals court, but before she could get a corrected title motion to vacate and for alternative action, submitted July 5, on file, a letter dated July 7 from a deputy clerk announced "your case is closed and this Court is without jurisdiction to consider this matter further." A tele-

phone call the week of August 7 to the clerk's office produced information that it was "untimely filed." It was filed under F.R.C.P. 60(b) (4, 5, 6) which require filing within a "reasonable time." Time elapsed since denial of petition for rehearing: 40 days.

STATEMENT OF REASONS WHY THE QUESTIONS ARE SO SUBSTANTIAL AS TO REQUIRE PLENARY CONSIDERATION

Plenary consideration is necessary because appellant contends the Courts Below are concerned with precedent even when it has no merit: To wit, the void judgment discussed infra entered by acceding to a fraud upon the court by agents of hostile opponents promoting a lie about appellant causing her legal problems. They were first presented in the U. S. District Court for the District of Maryland in Avedisian v. Hubbard, et al, M-78-1227. It was dismissed 7-11-78

in 1½ court days. Reversal not affirmation was proper. Cert. den. 6-6-79.

Since the case at bar was not properly processed due probably not only to this standing precedent, but presumably to the refusal to accept the slander resolved as such, and to illegal access to wrongdoing by others casting suspicion, the 1978 case is probably in need of updating and discussing at length. The 1982 case, Avedisian v. May, et al, resulted from general involvement of her neighbors, some of whom initiated secret police action. The authority of police apparently was never questioned as to legality, unlikely to be volunteered, in their pervasive investigation which uncovered a number of surprises of which the activities in 1956 was one.

On January 14, 1983, appellant moved for the 1978 case to be set aside under F.R.C.P. 60(b)(6)--Relief from Judgment or Order. Due to page limitation, the main

points are condensed: (1) The appearance of a relative lookalike for the author (a microfilm newsphoto found) who appeared as an employee where appellant worked 2-82; (2) knowingly erroneous dismissal resulted in oppression, prejudice, and injustice by denying due process and equal protection; (3) damages as property unduly disposed of by error; (4) court questioned its jurisdiction (unalleged) so appellant averred lack of due process to enforce judgment; (5) constant litigation pending on it since 1978; (6) subsequent bad faith citation of dismissal as res judicata; (7) lack of careful investigation; sought disqualification of 1978 author; (8) "paranoic assertions" may be libelous as in bad faith; (9) plaintiff's credibility determined by opponents or agents; (10) unprovoked attack; (11) irrelevancy of slander, even if true; (12) non-federal defendants defaulted 3-80; (13) illegal

questioning recorded under hypnosis many places including RPD and court sites.

She asserted proof of a prima facie case; and made point if default occurred (1) would be considered decided on the merits; (2) admission they have no case; (3) would probably result from videotapings' declarations of innocence of slander (4) damages not subject to judgment debtors' discharge in bankruptcy. Injury. State case on the same facts held up from 6-82 withdrawn in spring. Relief of: jury trial; preliminary injunction; apology on record; verification of answers; general relief. Attached was a special notice to defendants that, preposterous as it was, she must conduct her own trial.

Subsequent motions, 1980 interrogatories and 1982-83 ones relating to hypnosis attached as exhibit and proof. It is on appeal U.S.C.A.-4 App. No. 83-1433 non-federal appellees in default. Appell-

ant's 7-12-83 offer of settlement pending. It was last in this Court under #81-1269.

Appellant contends: (1) that the Courts Below want the responsibility to be taken or shared by the Supreme Court due to the importance and serious consequences to all litigants; (2) that the appellees in all cases want the authority of the Supreme Court's plenary consideration; and (3) justice requires it.

In the case under consideration here, there seems to be opportunities to take more than one action. It could be submitted under Supreme Court Rule 17(a) "departed from the accepted and usual course of judicial proceedings," and (c) "conflict with...decisions of this Court." But also there is the condition present for an appeal which is denial of due process which requires the determination of this court. Legally sufficient presentations are not a probability for non-lawyer pro se liti-

gants. It was not ego but righteous indignation that forced appellant to take on the job when mob obstructionism blocked counsel. Appellant thinks the rules ought to be changed to accommodate untrained litigants who strain to the limit to conform to the rules but err anyway. Appellant's life, and her children's--especially the girls, who were callously used as pawns in a kickback scheme on the heels of her 1979 denial of certiorari--has been unjustly torn apart probably permanently by a vicious group who would have the courts believe their original interest was other than forcing appellant's obedience.

Appellant has lost perfect cases because she apparently wrongly applied for certiorari when appeals or extraordinary writs were proper. Exception has been made for lawyers who improvidently took appeals and appellant has no one with whom she can confer. One can go broke

just trying to get to the starting gate. And the Supreme Court has made exception in the past when the proper form was not preserved: Flanders v. Tweed, 9 Wall. 425, 1869, in which it reversed and remanded for a new trial, because it was an "important" case and the courts have made exception "in cases under very special circumstances."

This Court should know that when she filed a petition for rehearing in her original case in the appeals court in October, 1981, and indicated lack of action giving relief left only self-help as a way to resolve her problem which was at the explosive stage even before she filed, the informal feedback was "go ahead." The guerrillas took the hint, and they have statutory blessing in 18 U.S.C.A. § 872 applied in U. S. v. Sutter C. A. Ill 1947, 160 F.2d 754.

The appellant has recently learned

that contempt proceedings is another way to have a proper judgment rendered, and that those who interfere and obstruct the due administration of justice are subject to contempt of court. An analogous precedent is U. S. v. Waldin, C. A. Pa., 253 F.2d 551. 26 U.S.C.A. § 4047(e)(4) concerning a conspiracy to stop prosecution for tax violation...and to corrupt government employees is a conspiracy to defraud the United States within the purview of the statute. The appellant thinks these appellees--one named, others unnamed, are knowledgeable about her unnecessary billing for 1957 taxes, as well as her irregular jury summons. She does not think the citation of Griffin v. Breckenridge supra was an unconscious choice. Griffin is a snyonym for mulatto, the apparent racial makeup of the judge who it appears assisted them. When integrity of judgment has been called into question by substan-

tial departure from rules of law, appellate court cannot put aside responsibility ....Ferrara v. Sheraton McAlperin Corp., C.A. N.Y. 1962, 311 F.2d 294.

Exhibits were included to show that the courts are in receipt of information that could have been provided only by secret police action and what appears to be cooperation between appellees and appeals court: A letter from an unnamed party and the court on the same day probably requiring postoffice coordination. There appear to be oblique messages to appellant, the days of filing and denial with "days" acquiring a euphemistic transfer of meaning. (Exh. 2) Exhibit 4 included to show date stamped the day before posting; upside down stamp, superimposed postmarks. Doctor stamp may signify (1) bug hint of 1950's talk about a visit by Drew Pearson; (2) an inside joke by appellees meaning "peers on;" (3) the jury summons, one's

peers. Clover talk with former neighbor with two redheads. Exhibit 5 significant for relating granting of the only motion filed by appellant--one for late filing (not when counting by the 3-day mail rule) and signature message. Exhibit 6 concerns the slander she learned about in July and wondered to her husband if the man ever told his wife he'd lied. When asked, next-door neighbor closed door, a newish mode of acknowledgement. As editing 8-22, 2:41 p.m., ditto, more or less constant. Mind-reading hint or hypnotized blind.

DAMAGES

Appellant's stance as to amount of damages sued for is that the amount is small (inferred from words in other contexts as is the usual manner) considering the grossness of the offense, which could only have been effected by a gang. Therefore, the amount is not negotiable; nor does she take the responsibility to pay

taxes thereon; nor is bankruptcy available as pleaded in the Courts Below. Besides, to inform the Court who may be kept deliberately in the dark, appellant's information again if correctly interpreted is that the damages will be paid for these appellees. That still would be no cause to pay were they not liable, as appellant would not. She avers liability is adequately supported by recorded facts undisputed point by point as is the usual practice. The appellant is firm on this, and will take her chances at losing at trial through ineptitute rather than haggle over this second exposure to ridicule.

Respectfully submitted,

Saranelle Avedisian

Saranelle Avedisian, Appellant

14613 Melinda Lane

Rockville, Maryland 20853

Dated: August 23, 1983.

Appendix A

April 13, 1983, Opinion UNPUBLISHED

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 83-1069

Saranelle Avedisian,

Appellant,

vs.

Albert E. May and Carl S. Walker and any other persons not now known by name,

Appellees.

Appeal from the United States District Court for the District of Maryland, at Baltimore. Alexander Harvey, II, District Judge.

Submitted: March 4, 1983.

Decided: April 13, 1983

Before PHILLIPS, ERVIN, and CHAPMAN, Circuit Judges.

(Saranelle Avedisian, Appellant Pro Se. Albert E. May and Carl S. Walker, Appellees.)

PER CURIAM:

Saranelle Avedisian, proceeding pro se, appeals the district court's order denying her motion to vacate an earlier order which, in turn, denied her motion to reopen a case which previously had been dismissed. See Avedisian v. May, No. 82-1398 (4th Cir., September 7, 1982) (unpublished). Having reviewed the record, we find no abuse of discretion in the district court's action.

Our review of the record and other materials submitted for review indicates that oral argument would not aid significantly in the decisional process. Accordingly, we dispense with oral argument. The order of the district court is affirmed.

AFFIRMED.

Appendix B

September 7, 1982, Appeal denied.

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 82-1398

Saranelle Avedisian,

Appellant,

v.

Albert E. May and Carl S. Walker and any other persons not now known by name,

Appellees

Appeal from the United States District Court for the District of Maryland, at Baltimore. Alexander Harvey, II, District Judge.

Submitted: June 25, 1982

Decided: September 7, 1982

Before BUTZNER, WIDENER, and ERVIN, Circuit Judges.

(Saranelle Avedisian, Appellant Pro Se. Albert E. May and Carl S. Walker, Appellees Pro Se.)

PER CURIAM:

A review of the record and the district court's opinion discloses that this appeal from its order denying relief under 42 U.S.C. §§ 1985(3) and 1983 is without merit. Because the dispositive issues recently have been decided authoritatively, we dispense with oral argument and affirm the judgment below on the reasoning of the district court. Avedisian v. May, C/A No. H-82-729 (D.Md., Apr. 5, 1982).[1]

AFFIRMED.

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1. It necessarily follows that the appellant's motion for judgment by default and final judgment is denied.

Appendix C

Memorandum and Order, March 29, 1982

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

SARANELLE AVEDISIAN :

Plaintiff :

v. : Civil No.

ALBERT E. MAY; : H-82-729

CARL S. WALKER: :

and :

ANY OTHER PERSONS NOT :

NOW KNOWN BY NAME :

Defendants :

MEMORANDUM AND ORDER

Acting pro se, plaintiff has paid the appropriate filing fee and has filed a civil action in this Court. Named as defendants are Albert E. May, of Chevy Chase, Maryland, Carl S. Walker, of Clinton, Maryland and "any other persons not now known by name." This action is

brought under 42.U.S.C. §1985(3). Plaintiff seeks damages and an injunction against present and future violations of her right to privacy.

A review of the complaint indicates that the allegations are clearly insufficient to state a claim under 42 U.S.C. §1985(3) or under any other federal statute. Plaintiff asserts that defendants May and Walker in 1956 conspired and agreed to invade her privacy. She asserts that these old violations have been recently revealed, and complains of communications between defendant Walker and the plaintiff. Plaintiff asserts that she is involved in conspiracy litigation from which this action stems, and she cites two civil actions she previously filed in this Court, namely Civil No. M-78-1227 and B-79-1567.

By Memorandum and Order dated July 11,

1978, Judge Miller of this Court dismissed an action brought by plaintiff against approximately 150 named defendants. Civil No. M-78-1227. The Fourth Circuit affirmed. Avedisian v. Hubbard, No. 78-1643 (4th Cir. Nov. 15, 1978). By Memorandum and Order dated December 18, 1979, Judge Blair of this Court dismissed plaintiff's suit brought against George C. Hubbard and others under 42 U.S.C. §§1983 and 1985. Civil No. B-79-1567. Again, the Fourth Circuit affirmed. Avedisian v. Hubbard, No. 81-1174 (4th Cir. Oct. 2, 1981).

Like her earlier suits, this action must be dismissed. To state a claim under §1985(3), a plaintiff must allege some racial or otherwise class-based, invidiously discriminatory animus behind conspirators' action. See Griffin v. Breckenridge, 403 U.S. 88, 102 (1971). No such allegations are contained in this

complaint. As Judge Miller said in his Memorandum and Order in Civil No. M-78-1227, the complaint "consists of a mish-mash of paranoic assertions and is clearly legally frivolous."

For the reasons stated, it is this 29th day of March, 1982, by the United States District Court for the District of Maryland,

ORDERED:

1. That the complaint be and the same is hereby dismissed, with costs; and

2. That the Clerk is directed to mail a copy of this Memorandum and Order to the plaintiff.

/s/ Alexander Harvey, II
United States District Judge

Appendix.D

Judgment, April 5, 1982.

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF MARYLAND

SARANELLE AVEDISIAN :

v. :

ALBERT E. MAY: CARL S.:

WALKER; and ANY OTHER :

PERSONS NOT NOW KNOWN :

BY NAME :CIVIL NO. H-82-729

J U D G M E N T

In accordance with the Memorandum and Order dated 29th day of March, 1982, and filed in the above case, it is,

ORDERED and ADJUDGED:

1. That the complaint be and the same is hereby dismissed, with costs.

Dated at Baltimore, Maryland this 5th day of April, 1982.

PAUL R. SCHLITZ, Clerk

(Cont'd) By: /s/ Elizabeth A. Michael

Elizabeth A. Michael

Deputy Clerk

Clerical notations: Figure 5 circle open

Filed: 5th of April, 1982

MicroFilmed, Date: APR 6 1982

The same Memorandum and Order, without judgment attached received by petitioner 4-2-82 with no postmark.

Appendix E

April 13, 1983, Notice of Judgment

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

TO: Saranelle Avedisian

Carl S. Walker Albert E. May

NOTICE OF JUDGMENT

Judgment was entered in Case No. 83-1069 this date.

The Court's opinion is enclosed.

Petition for Rehearing (FRAP 40)

Filing Time — A petition may be filed within 14 days after judgment. No extension will be granted save for the most compelling reason. Requests based on grounds such as miscalculation of time or a need to consult with others will be peremptorily denied.

Purpose — A petition should only be made to direct the Court's attention

to one or more of the following situations:

1. A material fact or law overlooked in the decision.
2. A change in the law which occurred after the case was submitted and which was overlooked by the panel.
3. An apparent conflict with another decision of the Court which is not addressed in the opinion. The filing of a petition in order merely to reargue the case is an abuse of the privilege.

Statement of Counsel

A petition shall contain an introduction stating that, in counsel's judgment, one or more of the situations exist as described in the above "Purpose

Section". The points to be raised shall be succinctly listed in the statement. Lacking such a statement, the petition will be returned to counsel without filing.

Form — The 15 page limit allowed by the Rule shall be observed. The Court requires 15 copies of the petition; however, a pro se party who is indigent may file the original only.

Bill of Costs (FRAP 39)

Filing Time — A party to whom costs are allowed, who desires taxation of costs, shall file a bill of costs, within 14 days after judgment.

Mandate (FRAP 41)

Issuance Time — The mandate is issued 21 days after judgment. A timely petition for rehearing will stay

the issuance. If the petition is denied, the mandate will issue 7 days later. If a stay of mandate is sought, only the original of a motion need be filed.

Stay — A motion for stay of the issuance of the mandate shall not be granted simply upon request. Ordinarily the motion will be denied unless it would not be frivolous or filed merely for delay and would present a substantial question or otherwise set forth good or probable cause for a stay.

WILLIAM K. SLATE, II
CLERK

Appendix F

May 25, 1983, Rehearing denied.

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

No. 83-1069

Saranelle Avedisian,

Appellant,

versus

Albert E. May and Carl S. Walker and any other persons not now known by name.

Appellees.

O R D E R

Upon consideration of the appellant's pro se petition for rehearing,

IT IS ORDERED that the petition for rehearing is DENIED.

Entered at the direction of Judge Phillips for a panel consisting of Judge Phillips, Judge Ervin, and Judge Chapman.

For the Court

/s/ William K. Slate, II
CLERK

Appendix G

October 6, 1982, Petition for Rehearing Denied

UNITED STATES COURT OF APPEALS

FOR THE FOURTH CIRCUIT

NO. 82-1398

SARANELLE AVEDISIAN

Appellant

v.

ALBERT MAY and CARL S. WALKER and ANY OTHER PERSONS NOT NOW KNOWN BY NAME

Appellees

O R D E R

We have considered the petition for rehearing and are of opinion it is without merit.

It is accordingly ADJUDGED and ORD-

ERED that the petition for rehearing shall be, and the same hereby is, denied.

With the concurrences of Judges Butzner and Ervin.

/s/ H. E. Widener, Jr.
For the Court

APPENDIX H

Notice of Amended Appeal, filed August, 3, 1983, correcting ones of July 19 and 22, 1983.

IN THE UNITED STATES COURT OF APPEALS FOR THE FOURTH CIRCUIT

SARANELLE AVEDISIAN	:	
APPELLANT	:	
v.	:	APPEAL NO.
ALBERT E. MAY, CARL L. WALKER, and ANY OTHER PERSONS NOT NOW KNOWN BY NAME	:	83-1069
APPELLEES.	:	

NOTICE OF AMENDED APPEAL

Notice is hereby given that Saranelle Avedisian, appellant above named, hereby appeals to the Supreme Court of the United States from the United States Court of Appeals for the Fourth Circuit's Order entered on May 25, 1983, denying appellant's petition for rehear-

ing.

In its judgment of April 13, 1983, per curiam remarks, the Court reported it found no abuse of discretion, had reviewed "the record and other materials submitted for review," dispensed with oral argument, and affirmed.

Appellant improperly filed a motion for alternative actions and then a corrected title motion to vacate and for alternative actions July 3 and 5 respectively. The Court's letter of July 7, 1983, informed appellant the case was closed. No further action was taken on the corrected title action so appellant filed notice of appeal, which was timely filed.

This appeal is taken pursuant to 28 U.S.C.A. § 2101 (c)--Supreme Court, time for appeal..., and § 2106--Determination.

When notified, the Clerk will please prepare the entire record for transmittal to the Supreme Court.

The following questions are presented by this appeal:

1. Did the appeals court err and deny due process and equal protection guaranteed by the Fifth and Fourteenth Amendments when it acted in the following way:

A. failed to correct or annul as is its duty the premature order(s) entered by the District Court against mandatory United States Code Annotated Federal Rule of Civil Procedure Rule 12 thereby

1. prejudicing appellant by disposing of property without trial or hearing;

2. suppressing evidence provided by answers from appellees tending

to prove her allegations;

3. protecting wrongdoers from a just prosecution;

B. failed to consider appellees' answers when, the second time they were provided with the opportunity by informal brief, one answered that the District Court's judgment was not wrong though it foreclosed his right to defend, and the other defaulted?

C. considered secretly submitted facts by the appellees or their agents

1. that are prohibited by federal statutes when attempting to (a) bribe or interfere with the duties of a federal officer, (b) obstruct justice, (c) defraud the United States?

2. that were available to the lower court (a generation old) and for which appellant moved to produce, that are

not within its proper jurisdiction as a corrective court rather than one of original jurisdiction thereby making the judgment voidable?

D. failed to allow appellant to identify an indispensable party thereby providing unequal protection and possible exemption from Supreme Court Rule 8 effects?

E. failed to apply analogous decisional law of the Supreme Court which is mandatory upon it?

F. failed to allow the appellant to prosecute her meritorious case thereby further prejudicing her and her innocent children?

The appellant urges the adoption of the Supreme Court's tradition of notice of plain error that she missed, if any.

(Signed) Saranelle Avedisian, Pro Se

14613 Melinda Lane
Rockville, Maryland
460-5573

EXHIBIT 1

SUBSTANTIVE LEGAL DOCUMENTS FILED HEREIN:

1. 3-17-82: Complaint,for Damages, Costs,... Jury Trial and Injunction
   Denied: 3-29-82 Judgment: 4-5-82
2. 3-21-82: Motion for Leave to Amend
   Denied: 4-8-82
3. 4-15-82: Motion to Vacate Judgment, Reinstate Action, Compel Answers... Summary Judgment or Note Appeal; Motion to Amend
   Denied: 4-22-82

IN THE U. S. C. A. - Fourth Circuit

4. 6-16-82: Informal Brief
   Denied: 9-7-82 - Per Curiam
5. 7-5-82: Motion for Judgment by Default and for Final Judgment
   Denied: 9-7-82 in Per Curiam
6. 9-21-82: Petition for Rehearing
   Denied: 10-6-82
7. 9-21-82: Motion to Identify a Party
   Denied: 9-28-82, Chief Deputy Clerk

8. 10-18-82: Motion to Stay the Mandate and for Late Filing Thereof

   Denied: 10-22-82

U. S. DISTRICT COURT - 2nd Time

9. 11-10-82 Motion to Reopen The Case Due to Newly Discovered Evidence

   Denied: 11-18-82

10. 11-28-82 Motion to Identify a Party

11. 11-29-82 Motion to Vacate

    Denied: 12-3-82 - both

12.. 12-29-82 Motion to Vacate Order, ... Reinstate...Reopen...Summary Judgment

13. 1-2-83 Motion to Compel Answers

    Denied: 1-3-83 - both

    Notice of Appeal

14. 1-13-83 Motion to Vacate Order

    Denied: 1-28-83

IN THE U. S. C. A. - 4 -- 2nd Time

15. 2-2-83: Informal Brief

    Denied: 4-15-83

16. 4-26-83 Petition for Rehearing

    Denied: 5-25-83

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
UNITED STATES COURTHOUSE
TENTH & MAIN STREETS
RICHMOND, VIRGINIA 23219

November 16, 1982

EXHIBIT 2

elle Avedisian
inda Lane
, MD 20853

: No. 82-1398, Avedisian v. May, et al

Avedisian:

Pursuant to your motion of
15, 1982, to issue the mandate, this is to
mandate issued on October 8, 1982, and the
ied to the U. S. District Court in Baltimo

Sincerely yours,

Julian H. Layne
Deputy Clerk

Apparent signature authorization
in shorthand is translatable

D STATES COURT OF APPEALS
FOURTH CIRCUIT

TELEPHONE 771-2348
AREA CODE 804
TENTH & MAIN STREETS
RICHMOND, VIRGINIA 23219

EXHIBIT 3

April 11, 1983

Monday

ian

20853

069, Avedisian v. May, et al

nowledge receipt of your recent
of this Court had already ruled
e receiving your letter. An
been sent to you from the Clerk's
pinion, you should have received
or filing a petition for rehearing,
file such a petition.

Sincerely,

Dulcey B. Fowler

Dulcey B. Fowler
Senior Staff Counsel

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EXHIBIT 4

S OFFICE
:OURT OF APPEALS
URTH CIRCUIT
ES COURTHOUSE
AIN STREETS
INIA 23219-3599

TELEPHONE
(804) 771-2213
FTS 925-2213

, 1982

tt E. May
Brook Lane
ase, MD

Mr. Carl S. Walker
6315 Dean Lee Drive
Clinton, MD

anelle Avedisia
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SARAN
14613
RECV

AL BRIEF

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MAIL

CLERK'S OFFICE
\TES COURT OF APPEALS
R THE FOURTH CIRCUIT
ITED STATES COURTHOUSE
TENTH & MAIN STREETS
OND VIRGINIA 23219-3599

EXHIBIT 5

TELEPHONE
(804) 771-2213
FTS 925-2213

ptember 28, 1982

anella Avedisian vs. Albert E. May,
al

entify party was received and filed. The
tion to file petition for rehearing late
is motion is granted and the petition for
er 23, 1982, and has been transmitted to

Sincerely yours,

WILLIAM K. SLATE, II

By: Carol R. Lemon

(Mr.) Carol R. Lemon
Chief Deputy Clerk

EXHIBIT 6

TED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT
UNITED STATES COURTHOUSE
TENTH & MAIN STREETS
RICHMOND, VIRGINIA 23219

TELEPHONE
(804) 771-2213
FTS 925-2213

July 7, 1983

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.3

069, Saranelle Avedisian v. Albert E. May,
.1.

will be taken on the Motion for Alternative
e-referenced case which you submitted to this
is closed and this court is without jurisdiction
tter further.

Sincerely yours,

WILLIAM K. SLATE, II

By: Marilyn K. Beck
Marilyn K. Beck
Deputy Clerk

To protect the innocent slandered
no identification provided in
writing.

EXHIBIT 7

INTERROGATORIES EXCERPT: ALBERT E. MAY

13. To the best of your knowledge, did such match-making extend a. to the defendant Carl Walker? b. to George Washington University students or faculty? c. if so, identify them and describe the methods used to locate them?

14. To the best of your knowledge, was the plaintiff selected for jury duty on the instigation of any person known to you either personally or by name, and a. if so, who? b. why? (...)

15. If a discriminatory jury selection was made in the case of the plaintiff, which court officer or officers--by name and title--was it effected?

17. To the best of your knowledge, was plaintiff's federal income tax reporting to the IRS for 1957 interfered with in any way by mutual acquaintances or otherwise?

EXHIBIT 8

INTERROGATORIES EXCERPT: CARL S. WALKER

2. Was your social relationship with the plaintiff promoted a. for your interests? b. for the interests of another party or parties? c. if so, who? d. for what purpose, specifically?

4. If so, (knew plaintiff would be at transfer point), will you describe in full how you knew, who informed you of my trip, and how was it known, and for what or whose purpose?

5. If you were involved on others' behalf, upon what consideration, if any, did you agree?

6. When did your wife first know your relationship with me?

9. If there are photographs as described above (original), what is your or your agents' purpose in revealing them now?

10. To the best of your knowledge, was plaintiff's husband's car (1956 Buick) bugged prior to our marriage?

AFFIDAVIT OF SERVICE

I, SARANELLE AVEDISIAN, being first duly sworn, depose and say that 3 copies of this Jurisdictional Statement were mailed first class to each of the named appellees in compliance with Supreme Court Rule 28.3(c) on this 23rd day of August, 1983, as follows:

Mr. Albert E. May
7213 Baybrook Lane
Chevy Chase, MD 20815

Mr. Carl S. Walker
6315 Dean Lee Drive
Clinton, MD 20935

Saranelle Avedisian
Saranelle Avedisian, Appellant
14613 Melinda Lane
Rockville, MD 20853
460-5573

Pro Se

Subscribed and sworn to before me on this 23rd day of August, 1983:

[illegible] Notary Public

My commission expires July 1, 1986
State of Maryland, County of Montgomery